



STATE PERSONNEL BOARD REVERSES ALJ'S "TENURE RIGHTS" DECISION IN WELLS AND RICE V. DEPARTMENT OF HIGHER EDUCATION

At its December meeting, the State Personnel Board considered the appeal of the Initial Decision in Wells and Rice v. Department of Higher Education, which was the subject of an article in the September 2003 Advisor. The case involved a reorganization in which the Auraria Media Center functions were moved from the University of Colorado-Denver to the Auraria Higher Education Center (AHEC) and downsized.

In the Initial Decision, the Administrative Law Judge (ALJ) discussed "tenure rights" of certified state employees and concluded that AHEC erroneously failed to consider seniority and performance in selecting which employees to transfer into the AHEC Media Center positions. The ALJ ordered AHEC to hire one of the former Media Center employees, who had greater seniority than two employees AHEC did transfer. The Board reversed that portion of the ALJ's decision, finding that AHEC's decision to transfer less-senior employees was not arbitrary, capricious, or contrary to rule or law.

The Board thus upheld the actions of both UCD and AHEC. The employees have an opportunity to appeal the Board's order to the Colorado Court of Appeals.

BOARD AFFIRMS ALJ'S DECISION ON THE MEANING OF "CURRENT BASE PAY"

In another case, the Board affirmed an ALJ's Initial Decision that discussed the meaning of "current base pay" in Director's Procedure P-3-15. In that case, Downey v. Arapahoe Community College, the employee's position was abolished and she was offered retention rights to another position in her same classification. However, the position she was offered was funded by a grant, and the salary under that grant was significantly less than she was being paid in the abolished position. The employee accepted the bump, then appealed to have her salary restored. The ALJ's decision concluded that P-

3-15 governed this situation. P-3-15 states, "In the case of a lateral movement to a different position, base pay shall be any rate between the current rate and the grade maximum."

The college argued that "current rate" means the current salary for the position into which the employee is moving, not the current salary of the employee who was moving into the position. The ALJ rejected that argument, holding that "current rate" refers to the salary of the employee who is taking the position. The Board agreed with this conclusion and affirmed the ALJ's decision. The college has an opportunity to appeal the Boards' order to the Colorado Court of Appeals.

C-SEAP is offering the
following Anger Education
classes:

Denver

January 8th, 15th, 22nd, 29th
9:00 – 10:30 am

For information about the location of or to
register for the Denver classes, call
303-866-4314.

BULLETIN NEWS BRIEFS

- Updated State Personnel Board Rules, effective December 31, and Director's Administrative Procedures, effective January 1 are available on the web. In addition to some housekeeping changes, the changes pertain to the Voluntary Separation Incentive Program (VSIP) and overtime.
- The official notice of these proposed performance pay system changes and other rules changes is

available at www.colorado.gov/dpa/dhr. The hearing is set for Thursday, February 5, 2004, from 9 am - 12 pm at 1313 Sherman, Rm 318. For more information contact Pat Romero at 303-866-5383 or pat.romero@state.co.us.

To learn more about these and other human resources, risk management, benefits, and C-SEAP policies and issues, go to www.colorado.gov/dpa/dhr and be sure to check under "Recent News."

CHILD CARE DISCOUNTS FOR STATE EMPLOYEES

The end of the year is upon us. Are you looking for childcare? If so, does a discount on those childcare services sound appealing? Childcare tuition discounts are available for all state employees through a number of specified providers. KinderCare, La Petite Academies, ABC Child Development Centers, Kiddie Academy Child Care Learning Centers, Kid's Place, Little People's Landing, and Children's World offer tuition discounts to all state employees.

These discounts are available to all state employees in all branches of state government. To obtain discounted

rates and information, contact the chosen provider and let them know you are a State of Colorado employee and learned about this discount through work. The providers will explain the details so you may make the best decision for your family.

Employees are reminded that arrangements made are the sole responsibility of the individual family. The state assumes no obligation for these arrangements and does not endorse any of the organizations or their programs.

For more information about the Employee Discount Program go to www.colorado.gov/dpa/discounts, part of the Work-Life website, or contact at travis.engelhardt@state.co.us.

STATE CONTRACTS WITH ADDITIONAL VENDOR FOR DRUG AND ALCOHOL TESTING

BY PHIL SAVAGE

DHR SAFETY & LOSS CONTROL SPECIALIST

The State is pleased to announce that it has contracted with two vendors, Centura Centers for Occupational Medicine (CCOM), and PharmChem, to provide collection and testing services for drug and alcohol testing. The purpose of these contracts is to comply with the federal regulatory requirement for periodic and situational testing of commercial drivers (CDL's) that the state employs.

Additionally, the contracts provide state agencies with the ability to request a drug or alcohol test under other circumstances such as pre-employment, post accident, or what is called "reasonable suspicion," which is testing for an employee who is suspected of being under the influence of a drug or alcohol while at work.

Employees must be taken for testing if a reasonable suspicion exists that the employee is under the influence of drugs or alcohol. Departmental policies should describe in detail the procedures to be used in such cases.

Each agency has a "Drug and Alcohol Abuse Coordinator" who will complete the appropriate forms identifying the specific vendor to be used for tests. The contract is posted at www.gssa.state.co.us/PriceAwd.nsf.

Additional information about the program is available from Risk Management at 303-866-3848 or by contacting Phil Savage at phil.savage@state.co.us.

DIFFICULT CUSTOMER ENCOUNTERS: HELPING EMPLOYEES WEATHER THE STORM

JON RICHARD, PsyD.
C-SEAP

Recently, walking through one of the major discount department stores, I noticed an employee folding and arranging clothes on a shelf. Nothing unusual in that, except... she was trembling and crying, and despite her earnest efforts, her distress was so intense that she was having obvious difficulty stacking the merchandise. A manager appeared and spoke to her calmly and quietly for a few minutes, and the employee, though still looking acutely upset, appeared to slowly regain her composure. Later, I discreetly asked the manager what had happened, and she told me that the employee had not known the answer to a customer's question, and the customer had responded with a torrent of verbal abuse.

Though state employees don't work in retail sales, the story above exemplifies the distress and work disruption that can occur for anyone subjected to abusive behavior by customers. Indeed, there may be more similarities than differences, regardless of work setting. Consider:

1. State employees all serve customers of one type or another, whether they are citizens receiving services, other state or government agencies needing information, outside vendors, or our own colleagues or supervisors relying upon us for work products.
2. Every employee will, at times, encounter "Difficult Customers", those who are impatient, hostile, rude, demeaning, insulting, intimidating, or outright belligerent.
3. Those Difficult Customers may leave an employee feeling outraged, embarrassed, shaken, hurt, humiliated, or some combination of those states.
4. Those painful emotions are damaging to morale, interfere with the ability to concentrate and do one's best work, and, particularly if repeated or persistent, can adversely impact productivity, retention, and health.
5. Managers have a significant ability to minimize the negative effects of Difficult Customer encounters for their employees, especially if managers are able to address the aftermath of those encounters in supportive, sensitive, and encouraging way (as occurred in the incident I witnessed, and which allowed the employee to regain her well-being and her concentration on the work at hand).

Just as important as responding supportively to the aftermath of a Difficult Customer encounter, supervisors can encourage attitudes and skill development that can partially inoculate employees against the damaging effects of Difficult Customers. These attitudes and skills comprise a pro-active approach that can increase employee resiliency and confidence and boost morale, minimizing the potential for Difficult Customers to have a pernicious or enduring

negative impact on individual employees and on the workplace.

The attitudes and skills that inoculate against Difficult Customer distress are drawn from well-validated approaches in cognitive-behavioral psychology, including self-instructional training, imaginal rehearsal, counter-conditioning, and self-reinforcement. Put plainly, specific strategies for dealing successfully with Difficult Customer encounters include (but aren't limited to): changing how we plan for such encounters, changing how we think about ourselves and the Difficult Customers both during and after the encounters; learning to calm the mind and the body during the encounters, reviewing the encounters after they occur; modifying our strategies based on our evaluations; and, rewarding ourselves when our handling of the encounter matched our advance planning.

To facilitate skill development in working with Difficult Customers, C-SEAP offers individual coaching and counseling for employees, managers, and supervisors and training workshops for groups. To schedule individual coaching or counseling in this area, simply contact C-SEAP at 303-866-4314 or at 1 800-821-8154.

After many years of offering group training sessions on this topic at various agency locations in response to agency-specific requests, C-SEAP recently scheduled a workshop session for January, open to employees of any agency, to be held at C-SEAP's building at 225 E. 16th Avenue in downtown Denver. The response was immediate and dramatic; all spots were filled the same day. Additional C-SEAP-based workshop sessions are scheduled for February, March, April, and May, and all have filled to capacity with advance registrants. A June class is continuing to fill, and we anticipate offering this class on a monthly basis as long as there is a desire on the part of state employees to attend this kind of training. C-SEAP will also continue, when feasible, to schedule off-site, agency-specific workshops for work-groups that have a specific training need and wish to undertake it as a cohesive group. We also welcome input from managers, supervisors, and employees on the kinds of organizational development services (whether training, or other) that you believe would be most helpful to your agency.

Look to future editions of the Advisor for more information on C-SEAP training, coaching, counseling, and organizational assistance services. In the meantime, some fundamental and solid information on strategies for Dealing with Difficult Customers can be found at these websites: www.davekahle.com/articles/dealing.htm www.cyberskills.com/content/quick/difficultcustomers/pdf

COPING WITH DIFFICULT CUSTOMERS

Strategies for Self-Care and Success in Service to Others

**A Workshop for State Employees Who Provide
Direct Customer Service**

Do you encounter DIFFICULT Customers?

Are some of your customers impatient? Hostile? Belligerent?

**Encounters with difficult customers can be upsetting, draining,
discouraging, and demoralizing.**

***But...you CAN develop enhanced strategies for working effectively
with difficult customers!***

**You can increase your comfort and confidence on the job, and
respond to difficult customers in a way that gets the job done *and* ...**

- **Preserves your sanity,**
- **Protects your dignity,**
- **And supports your well-being.**

**This no-cost, half-day workshop of the
Colorado State Employee Assistance Program (C-SEAP)
offers ideas for:**

**DIFFICULT CUSTOMER INTERACTION STRATEGIES
GOAL-SETTING AND SELF-COACHING FOR
DIFFICULT ENCOUNTERS
SELF –CARE ON (AND OFF) THE JOB**

DATE: Monday, January 12, 2004

Time: 9:00 a.m. – 12 noon

Location: C-SEAP, 225 E. 16th Avenue, Denver, CO 80202

TO REGISTER, CALL CSEAP: 303-866-4314

Delivering innovative conflict resolution techniques

Mediation Training



Conflict Management
Negotiation Skills
Innovation

Oral Communications
Interpersonal Skills
Creativity

- Learn core mediation competencies
- Participate in workgroup exercises that use real world dispute scenarios
- Practice alternative dispute resolution methods for settling employment issues
- Become certified as a mediator for the State Mediation Program

This 5-day training program is perfect for managers and staff who want to improve their conflict resolution skills, build better work relationships, and foster a healthier work environment. This course is mandatory for mediators who want to work with the State Mediation Program. \$725.00.

UPCOMING COURSES

Denver

February 9, 10, 11, 19 & 20

&

April 14, 15, 22, 23 & 30

www.colorado.gov/dpa/dhr



DPA

Professional



Development Center

1313 Sherman Street
Denver, Co 80203
Phone: 303-866-2439
Fax: 303-866-2021

Email: carolyn.gable@state.co.us

2004 Course Schedule

2004

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
---------	----------	-------	-------	-----	------	------	--------	-----------

COLORADO SUPERVISORY CERTIFICATE PROGRAM

\$725.00

Denver January 12 - 16	Durango Feb 23 - 27 Grand JCT Feb 9 - 13	Denver March 2,9,16,23,30		Denver May 6,11,18,20,25				
------------------------------	---	---------------------------------	--	--------------------------------	--	--	--	--

COLORADO LEADERSHIP DEVELOPMENT PROGRAM

\$725.00

	Denver February 2 - 6		Denver April 6,13,20,27,29		Denver June 1,8,15,22,29			
--	-----------------------------	--	----------------------------------	--	--------------------------------	--	--	--

THE RULES FOR SUPERVISORS AND MANAGERS

\$150.00

Denver January 22	Denver February 2,9,16,23, 30	Denver March 15 & 18 8:30 AM or 1:00 PM						
----------------------	-------------------------------------	--	--	--	--	--	--	--

PROGRESSIVE DISCIPLINE

\$150.00

Denver January 29	Denver February 26	Denver March 22 & 25 8:30 AM or 1:00 PM						
----------------------	-----------------------	--	--	--	--	--	--	--

COLORADO STATE MEDIATION PROGRAM

\$725.00

	Denver February 9,10,11,19,20		Denver April 14,15,22,23,30					
--	-------------------------------------	--	-----------------------------------	--	--	--	--	--

INTRODUCTION TO COLORADO CONTRACT MANAGEMENT

\$150.00

--	--	--	--	--	--	--	--	--

Schedule to be Announced

EMPLOYMENT LAW UPDATE SEMINAR

\$650.00

--	--	--	--	--	--	--	--	--

Schedule to be Announced



DPA

Professional



Development Center

1313 Sherman Street

Denver, Co 80203

Phone: 303-866-2439

Fax: 303-866-2021

Email: carolyn.gable@state.co.us